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**CIRCULAR LETTER 38/2015
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**PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN
THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION AND
THE MARITIME ORGANISATION OF WEST AND CENTRAL AFRICA**

Reference: IHO CL 20/2006 dated 8 February - *Memorandum of Understanding between the International Hydrographic Organization and the Port Management Association of West and Central Africa*

Dear Hydrographer,

1. The Maritime Organisation of West and Central Africa (MOWCA) is an intergovernmental regional organization established by the Maritime Charter of Abidjan, as amended, whose mission is to promote the development of cost-effective maritime transport services with the highest safety and security standards, and to protect the marine environment.
2. The MOWCA is composed of Angola, Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Republic of the Congo, Democratic Republic of the Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Liberia, Mali, Mauritania, Niger, Nigeria, Sao Tome & Principe, Senegal, Sierra Leone, and Togo. All the coastal States involved participate, or are invited to participate, in the activities of the Eastern Atlantic Hydrographic Commission (EAHC).
3. In 2006, as reported in the reference, the IHO established a Memorandum of Understanding (MoU) with the Port Management Association of West and Central Africa (PMAWCA) which is a specialized organ of the MOWCA. In 2012, the 12th Conference of the EAHC decided to investigate the establishment of direct relations with the MOWCA in order to encourage the implementation of SOLAS Regulation V/9 on hydrographic services by West and Central African States.
4. At the initiative of the Chair of the EAHC, a joint IHO-MOWCA workshop was held in November 2013 in Pointe-Noire (Republic of the Congo). The objective of the workshop was to raise awareness among authorities in charge of maritime safety in the Member States of MOWCA by providing an overview of the importance of hydrography, the organization, role and activities of the IHO, the provision of hydrographic services and the benefits of joining the IHO and the relevant Regional Hydrographic Commission (RHC). The workshop adopted a recommendation inviting MOWCA Member States to participate in the activities of the relevant RHC and to join the IHO. The workshop also decided to develop a draft MoU on cooperation between MOWCA and the IHO.
5. In September 2014, the 13th EAHC Conference supported the establishment of an MoU between MOWCA and the IHO and agreed to circulate the draft to EAHC Members for review by correspondence.
6. The draft MoU has now been approved by EAHC Members. The Chair of the EAHC now proposes that the President of the Directing Committee sign the MoU on behalf of the IHO.
7. The proposed text of the MoU is provided in Annex A. The MoU will consolidate and strengthen the process of regional cooperation and ensure the efficient and effective development and coordination of hydrographic and nautical charting programmes in accordance with the obligations of international treaties. In this respect, the aims are very similar to those of the MoU established

between the IHO and other regional organizations such as the Secretariat of the Pacific Community and the Organisation of Eastern Caribbean States.

8. Subject to any comments received from IHO Member States and noting that the Secretary General of the MOWCA stands ready to sign on behalf of the MOWCA, the President of the Directing Committee will sign the Memorandum on behalf of the IHO at a mutually convenient date and venue.

9. You are kindly requested to review the proposed text at Annex A and to provide your comments, if any, to the IHB by **15 August 2015**.

10. The existing MoU between the IHO and the PMAWCA will be reviewed at a later stage, subject to the approval and signature of the MoU between the IHO and the MOWCA.

On behalf of the Directing Committee
Yours sincerely,



Gilles BESSERO
Director

Annex A: Draft text of a Memorandum of Understanding between the IHO and the MOWCA



M O W C A

**Draft
Memorandum of Understanding**

between

**The International Hydrographic Organization
(IHO)**

and

**The Maritime Organisation of West and Central
Africa (MOWCA)**

INTRODUCTION

The International Hydrographic Organization (referred to as "IHO" in this Memorandum of Understanding), on the one hand,

and

The Maritime Organisation of West and Central Africa (referred to as "MOWCA" in this Memorandum of Understanding), on the other hand,

hereinafter jointly referred to as "THE PARTICIPANTS",

Whereas the IHO, an advisory and technical intergovernmental organisation, is responsible for coordinating the activities of the national hydrographic services, ensuring that navigational charts and documents are as uniform as possible, adopting safe and effective methods for the execution and use of hydrographic surveys, and ensuring the progress of sciences relating to hydrography and of techniques used for oceanographic surveys;

Whereas the aims of the MOWCA, an intergovernmental sub-regional maritime cooperation organisation, are to promote the development of cost-effective maritime transport services with the highest safety and security standards, and to protect the marine environment;

Taking into account the Convention on the International Hydrographic Organization that was adopted in Monaco on 3 May 1967;

Taking into account the Charte Maritime d'Abidjan [Abidjan Maritime Charter] that was adopted in Abidjan on 7 May 1975, as amended on 6 August 1999, and the arrangement establishing the Conférence Ministérielle des États de l'Afrique de l'Ouest et du Centre sur les Transports Maritimes [Ministerial Conference of the West and Central African States on Maritime Transport], which was adopted in Accra on 26 February 1977, as amended in Abidjan on 6 August 1999;

Acknowledging the fact that maritime transport plays a fundamental role in the development of international trade, a vector of economic growth in West and Central African States;

Bearing in mind the international regulations enacted in international legal instruments relating to the safety of maritime navigation and the protection of the marine environment;

Being keen to contribute to making navigation in the sub-region of West and Central Africa easier and safer by improving marine charts and navigational documents;

Deploring the maritime accidents that were connected to the weakness of hydrographic data in the sub-region of West and Central Africa or to the fact that insufficient use was made of them by vessels' crews;

Being extremely concerned by the difficulties experienced by the States in the sub-region in carrying out bathymetric surveys and updating navigational documents;

Being aware of the need for the ports in the Member States to document the safety of navigation in the approaches to the ports sufficiently, taking into account the technical requirements of new generations of vessels and factors that may change the morphology of the seabed;

Being concerned about the threats against the safety of people at sea and the protection of the marine environment, which result from the risk of accidents due to the lack of reliable hydrographic data for use by vessels' crews;

Being pleased with the programmes that have been carried out or that are in the process of being carried out on the promotion of the management of hydrographic services in West and Central Africa;

Acknowledging that national, regional and international initiatives for the promotion of secure maritime transport services contribute to the creation of wealth for the greater well-being of the populations in West and Central Africa;

Also acknowledging that the Cooperation between the IHO and the MOWCA in the field of maritime navigational safety is likely to strengthen their actions with a view to achieving the aims assigned to each of the Participants, respectively;

decide upon the following:

Article 1: Aims

The aims of this Memorandum of Understanding are to:

- create a platform for cooperation and coordination between the IHO and the MOWCA with regard to the matters in which the Participants share a common interest;
- define the methods for carrying out joint actions that are useful for the efficient accomplishment of each Participant's missions, in particular with regard to the safety of navigation by developing hydrographic services in the sub-region of West and Central Africa;
- facilitate mutual assistance mechanisms between the Participants to implement the projects and programmes in which they share a common interest, within the confines of the provisions of their respective constitutional instruments.

Article 2: Cooperation

The Participants in this Memorandum of Understanding will establish links for cooperation in order to make it easier to achieve the aims described in Article 1. In this perspective, the Participants will take, within the confines of the provisions of their internal regulations, relevant measures to:

- consult each other regularly on matters linked to the subject of this Memorandum of Understanding;
- exchange information that they have in their possession that is likely to promote the safety of navigation through the management of hydrographic data;
- share their experience with regard to the collection, use and distribution of data on navigational safety;
- jointly contribute to training their management personnel who are responsible for implementing maritime safety policies;
- provide mutual assistance by using aid from each other's Experts and by the reciprocal use of their respective partner organisation networks, according to the defined joint arrangement provisions;
- carry out joint studies and surveys on the safety of maritime navigation and the protection of the marine environment;
- harmonise their viewpoints during international meetings and defend their common interests where necessary;
- invite each other to their technical meetings that are organised with a view to studying the matters in which they share a common interest;
- establish a mechanism for monitoring the implementation of this Memorandum of Understanding.

Article 3: Implementation of the Cooperation

In order to implement this cooperation, the Participants will appoint a focal point who is responsible for coordination.

The Participants' representatives may consult each other, where necessary, with a view to coming to an understanding on the most suitable ways in which to deal with certain matters linked to promoting the safety of maritime navigation.

Article 4: Exchange of information

As far as possible, the Participants will combine their efforts in order to make best use of the information available on the safety of maritime navigation.

Subject to their respective internal policy regulations governing the protection of confidential information, the Participants, as needed, will ensure that information and documents concerning matters in which the Participants share a common interest are exchanged quickly and in full.

When information sent by one of the Participants is amended or deleted, it shall inform the other of this so that the latter may update its own records.

If one of the Participants has notified the other of the transmission of information to third parties, the Participants cannot be held liable in the event that the use of this information proves to be prejudicial to the interests of a natural or legal person.

The information communicated by the Participants is exclusively used by the latter to promote and strengthen maritime safety, in strict compliance with the national legislation of the Member States and with international treaties.

Article 5: Communication and Notification Channels

The communication channels for the Participants are:

- ***For the IHO:***

International Hydrographic Bureau:
PO Box: BP 445 - MC98011 Monaco - Principauté de Monaco
Email: info@iho.int
Tel : +377 93 10 81 00
Fax : +377 93 10 81 40

- ***For the MOWCA:***

General Secretariat
PO Box : V 257 – Abidjan – Côte d'Ivoire
Email : infos@omaoc.org
Tel: +225 22 40 61 00
Fax: +225 22 41 21 54

Article 6: Joint actions

By means of a joint decision, each Participant may include the other in the creation and execution of activities, programmes and projects relating more specifically to the development of hydrographic services in the Member States, the implementation of the regulations enacted in international legal instruments, and the search for international partners.

Joint activities carried out in application of this Memorandum of Understanding will be submitted for the approval by the Participants of documents for specific projects and will be monitored according to a defined joint arrangement mechanism.

The Participants will participate in the evaluation of activities, programmes and projects in which they share a common interest within the framework of joint arrangements entered into on a case by case basis.

Article 7: Delegation or transfer to third parties

The responsibilities bestowed upon the Participants under this Memorandum of Understanding may not be delegated or transferred, except in cases provided for by the memorandum.

Article 8: Benefits, immunities and facilities of the Participants

Nothing in this Memorandum of Understanding must be interpreted or analysed as a renunciation of the benefits, immunities and facilities that each of the Participants enjoys by virtue of international arrangements and national legislation that apply to them, nor as an amendment to these benefits, immunities and facilities.

Article 9: Amendment - Modification

This Memorandum of Understanding may be amended or modified by joint decision; the Participant taking the initiative to do so will inform the other Participant of this in writing.

Article 10: Termination

Each Participant is permitted to terminate this Memorandum of Understanding subject to a written notification sent to the other Participant three (03) months prior to the anticipated termination date.

Article 11: Settlement of disputes

Any dispute relating to this Memorandum of Understanding will be settled amicably as far as possible.

Article 12: The Participants accept that this Memorandum will be governed by international law.

Article 13: Coming into effect

This Memorandum of Understanding will come into effect as soon as it is signed by both Participants.

Signed in on2015

For the IHO

For the MOWCA

Robert WARD
President

Alain Michel LUVAMBANO
Secretary General

